

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:24-CV-68-M-RJ

BRUCE H. PARKMAN, SR.,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

This matter comes before the court on Plaintiff’s *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915, [D.E. 2], and for frivolity review of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). [D.E. 1]. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), United States Magistrate Robert B. Jones, Jr. entered a memorandum and recommendation (“M&R”), [D.E. 6], recommending that the court allow the application to proceed *in forma pauperis* and dismiss Plaintiff’s complaint without prejudice for failure to exhaust administrative remedies. Plaintiff did not submit any written objections to the M&R by the April 23, 2024 deadline. *See* [D.E. 6] 4–5.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).


Upon careful review of the M&R and the record presented, and finding no clear error, the

court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, it is hereby ORDERED:

(1) Plaintiff's motion for leave to proceed *in forma pauperis*, [D.E. 2] is GRANTED; and

(2) Plaintiff's complaint, [D.E. 1], is DISMISSED WITHOUT PREJUDICE for failure to exhaust administrative remedies.

SO ORDERED this 30th of April, 2024.



RICHARD E. MYERS II
Chief United States District Judge